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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,776	08/15/2003	Paul K. Meeker	43064-0017	1775
24115	7590	02/22/2005	EXAMINER	
BUCKINGHAM, DOOLITTLE & BURROUGHS, LLP			MAI, TRI M	
50 S. MAIN STREET			ART UNIT	
AKRON, OH 44308			PAPER NUMBER	

3727

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. Claims 38-42 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention. There being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 12/06/04.

Regarding the burden of search on the examiner, it is noted that each of the disclosed invention requires a separate search exclusively for that invention. The method claims require additional search in the class specific to methods in classes 53 and 493, and the claims directed to the subcombination require search specific to the locking mechanism in class 292 and possibly class 70.

It is further noted that each search and additional consideration on each claim requires additional time and effort.

It is noted that the election of specifies is considered in place in the event applicant add new claims to the application.

2. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation "closed and said at least one ...open position" is confusing.

3. Claims 1-3, 5, 6, 8, 10-13, 15-17, 20-22, 24, 25, 27, 29-32, and 34-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Unser (619809). Unser teaches a container having a first flap 5, first opening 9, second flap with second opening 7, a closure member having a first member 14 rotatable within the first member and having an open position, and second member

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8+11 fixedly attached to the first member and extend through the second opening when the container is closed as shown in Fig. 2.

4. Claims 4, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unser '809 in view of Unser (624408). It would have been obvious to one of ordinary skill in the art to provide the container from cardboard in Unser '809 as taught by Unser '408 to provide the desired material for the box.

5. Claims 7, 9, 18, 19, 23, 26, 28, 33, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unser '809 in view of Robins (2401664). It would have been obvious to one of ordinary skill in the art to provide a handle with a leg positioned within one aperture in Unser '809 as taught by Robin, note apertures 12 and 13, to provide an alternative handle.

6. Claims 1-4, 10-14, 20-23, and 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Adler (347761). Adler teaches a container having first flap K, 1st opening h, 2nd flap K1, 2nd opening h1, a closure member having 1st member h insertible into and rotatable within the first opening and 2nd member b, extending through the second opening in the closed position.

7. Claims 5-8, 15-18, 24-27, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adler in view of Vlasaty et al. (5106015) It would have been obvious to one of ordinary skill in the art to provide the handle a leg positioned within one aperture in Adler as taught by Vlasaty to carry the container easily.

8. Claims 9, 19, 28, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adler in view of Guyer (2383853) It would have been obvious to one of ordinary skill in the art to provide an in Adler as taught by Guyer to carry the container easily.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (571)272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
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